

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

NOAH F. CORBITT,)
Petitioner,)
v.) CIVIL ACTION NO.: CV513-108
MARTY ALLEN, Warden,)
Respondent.)

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Petitioner's objections are not responsive to the Magistrate Judge's Report. Petitioner does not address his failure to exhaust remedies available to him in the state courts of Georgia. That failure to exhaust renders this Court without the authority to consider his petition. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

Respondent's Motion to Dismiss is **GRANTED**, and the Petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **DISMISSED**, without prejudice, as Corbitt has not completed the exhaustion process. Corbitt's Motion

for Summary Judgment is **DISMISSED**, as moot. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 21 day of May, 2014.

LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA